

REMARKS

Claims 1-18 are pending. Claims 1, 4-9 and 12-16 are rejected. Claims 1, 9 and 14 have been amended. No new matter has been added.

35 U.S.C. 102 Rejections

Claims 1, 4-9 and 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Junod (U.S. Patent Application No. 2002/0126094), hereafter referred to as Junod. The rejection is respectfully traversed for the following rationale.

In light of the Allowable Subject Matter portion of the current Office Action, Applicant has amended Independent Claims 1, 9 and 14 to include the limitation “wherein user proximity causes a change in resonant frequency of said first circuit.” Applicant has reviewed the Junod reference and asserts that the limitations “user proximity causes a change in resonant frequency of said first circuit” and “wherein said change in said operating characteristic is detected based on a said change in resonant frequency of said first circuit” are not taught or suggested by Junod.

The Office Action states on page 3 that “the change in capacitance/inductance of an antenna in turn necessarily results in a change of the resonant frequency of said antenna.” However, Applicant does not understand Junod to teach “wherein said change in said operating characteristic is detected based on said change in resonant frequency of said first circuit,” as claimed. Junod fails to teach or suggest “wherein said change in said operating characteristic is detected based on said change in resonant frequency of said first circuit,” as claimed.

For this rationale, Claims 1-18 are not anticipated by Junod. As such allowance of Claims 1-18 is earnestly solicited.

Allowable Subject Matter

Applicant wishes to thank the Examiner for indicating that Claims 2, 3, 10, 11, 17 and 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening Claims.

Claims 2, 10 and 17 are directed towards “wherein user proximity causes said resonant frequency to move closer to a frequency at which said antenna is operated. Claims 3, 11 and 18 are directed towards “wherein user proximity causes said resonant frequency to move farther from a frequency at which said antenna is operated.”

Independent Claims 1, 9 and 14 have been amended to include the limitation “wherein user proximity causes a change in resonant frequency of said first circuit.” This limitation is similar to the limitations of allowable Claims 2, 3, 10, 11, 17 and 18.

As such, Independent Claims 1, 9 and 14 are in condition for allowance. Claims 2-8 depend from Claim 1, Claims 10-13 depend from Claim 9 and Claims 15-18 depend from Claim 14. Applicant respectfully requests allowance of Claims 1-18 in light of the Claim amendments and remarks above.

Conclusion


In light of the above-listed amendments and remarks, Applicant respectfully requests allowance of the remaining Claims.

The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Date: 7/7/, 2006



John P. Wagner
Reg. No. 35,398
123 Westridge Dr.
Watsonville, Ca
95076